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TAGS: [PHUM](#) [PGOV](#) [KCRM](#) [RP](#)
SUBJECT: NEW STEPS AGAINST UNLAWFUL KILLINGS

REF: A. MANILA 2262
[1](#)B. MANILA 1704
[1](#)C. MANILA 1702

[1](#)1. (U) Malacanang Palace announced on July 11 that President Gloria Macapagal Arroyo had on July 3 signed a new Administrative Order (No. 181) -- effective immediately -- that mandates "cooperation and coordination" between prosecutors and police from the outset of a political or media killing "until the termination of cases in court." She directed the National Prosecution Service of the Department of Justice, the Philippine National Police, and the National Bureau of Investigation to work closely together, to consult at all stages, and to gather additional evidence as required for successful prosecutions. The A.O. directs the National Prosecution Service moreover to assign a public prosecutor to assist the police and NBI in the preparation of each case, while specifying that a separate and different prosecutor will handle the case in the actual criminal proceedings.

[1](#)2. (SBU) According to Executive Director Cecilia Quisumbing of the Presidential Human Rights Commission (PHRC), the DOJ had initially raised concerns that involvement by prosecutors during the preliminary phases of a case could violate rules of court. In inter-agency meetings over the past several months, participants worked out this compromise to have a two-tiered structure of prosecutors to address this issue. However, participants remain concerned that a nationwide lack of prosecutors (ref a) will make full and effective implementation of these provisions difficult. The success of a USG-funded seminar on police/prosecutor cooperation (ref b) in May nonetheless had encouraged police and prosecutors on the utility of such an approach -- building not so much on a U.S. model as on current practices in Zamboanga City -- and helped to lead to the ultimate compromise, officials confirmed. Executive Secretary Eduardo Ermita commented publicly that the new A.O. is the "latest innovation in the government's drive to resolve human rights violations with due process," while Presidential Chief Legal Counsel Serge Apostol noted that the inter-agency group had worked hard to make sure there would be "no legal or practical impediments to implementing the order."

[1](#)3. (U) In remarks at the conclusion of a three-day Mindanao Peace and Security Summit, President Arroyo vowed that the Philippines was "entering a new era of civil and human rights." She pledged that "even one death is one death too many for the people who are fighting to be a part of our democratic society" and that "no one is above the law." She specified that "if you are armed and kill innocent civilians, you will be tracked down and prosecuted. If you are a communist terrorist, we will stop you. If you are a religious terrorist, we will stop you. If you are a rogue element of our own police or military, we will stop you." She commented, however, that "ninety-nine percent" of the military and police were "hard-working and patriotic men and

women (who) love this nation and abide by the rule of law." She promised that her Administration would introduce in the new Congress (beginning on July 23) "sweeping legislation that will transform our nation's response to political violence...(to) guarantee swift justice...strengthen the rights of victims...(and) impose tougher penalties for human rights violators for anyone committing a crime with a firearm." She reassured the public that the government would at the same time fully "protect the political rights of any person who wishes to participate in our democracy, however we might disagree on philosophy and approach." Separately commenting on the soon-to-be-implemented Human Security Act, Malacanang Spokesman Ignacio Bunye promised that the law would "not be used against members of the opposition and civil society who air their views in the spirit of democracy."

¶4. (SBU) Comment: Members of the Mission's Law Enforcement Working Group had worked closely with the Administration for more than one year to encourage the drafting and eventual adoption of this A.O., in addition to organizing the INL-funded seminar in May on practical approaches to such cooperation. The LEWG will continue to seek additional ways in which the USG can be helpful in encouraging the police/prosecutor exchanges in order to ensure more successful prosecutions of political killings, with an eye on eventually expanding its application to more successful prosecutions of other crimes, including terrorism, trafficking in persons, narcotics production and smuggling, and intellectual property rights violations.

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